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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,166	09/09/2004	Lee Underwood	8830-297	4097
23973 7590 08/01/2008 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			EXAMINER NICOLAS, FREDERICK C	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 08/01/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/507,166	<b>Applicant(s)</b> UNDERWOOD, LEE	
	<b>Examiner</b> Frederick C. Nicolas	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 28-30,32-49 and 51-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-30,32-49 and 51-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/2008 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 28-30,32-49,51-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is replete with informalities, too numerous to mention specifically and failing to conform with U.S. Patent Office practice. The following noted informalities are merely exemplary thereof. The claims should be revised to conform to U. S. Patent Office practice. Applicant is advised to completely review the claims for errors as the following is not intended to cover all errors.

I- Claim 28 recites the limitation "the flow" in 8. There is insufficient antecedent basis for this limitation in the claim.

II- Claim 30 is vague and indefinite because “water” as recited in line 2, appears to be a double inclusion, at least in part, of the claimed limitation “water” as recited in claim 28, line 2.

III- Claim 32 is vague and indefinite because “water” as recited in line 2, appears to be a double inclusion, at least in part, of the claimed limitation “water” as recited in claim 28, line 2.

IV- Claim 51 is vague and indefinite because “water” as recited in lines 5-6, appears to be a double inclusion, at least in part, of the claimed limitation “water” as recited in line 8.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 28-30,32-34,37,39-45,47-49,51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Enoki et al. 6,245,224.

Enoki et al. disclose a water purification apparatus (col. 4, ll. 46-58) having an inlet (3) and an outlet (31), and at least one water purification means (214,222) therein between, wherein the outlet includes at least a first water release means (217) and a second water release means (218), the first release means being operable at a first flow rate, and the second release means being operable at a second flow rate, the first flow rate differing from the second flow rate, wherein the first water release means and

second water release means combine their flows prior to dispense of the flow from the outlet (col. 7, ll. 1-7), wherein the outlet includes further water release means (311) (col. 5, ll. 10-16), the water release means operate in parallel as seen in Figures 3 and 7, water pump as seen in Figure 3, a control means (221), alarm means (51,52).

The device shown by Enoki et al. will perform the method recited in claims 51-53 during normal operational use of the device.

Note: the applicant is advised that any action following the words "for" or "adapted to" in the claims indicates an intended use for the product and does not limit the structure of the product in the claims. Therefore, the examiner is giving no patentable weight to any intended use/functional limitations, since the reference of Enoki et al. disclose all the structure limitations, then, Enoki et al. is capable of performing all of the intended use/functional limitations in the claims.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 35-36,54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al. 6,245,224 in view of Shannon et al. 3,991,911.

Enoki et al. have taught all the features of the claimed invention except that the at least one water release means is operable at a relatively slow flow rate and at least one other water release means is operable at a relatively fast flow rate. Shannon

teaches the used of a first product release means (S1) having a first flow rate and a second product release means (S2) having a second flow rate, where the first flow rate of the first product release means differing from the second flow rate of the second product release means (col. 31, ll. 62-68 onto col. 32, ll. 1-57).

It would have been obvious to one having ordinary skill in the art to utilize the teaching of Shannon et al. onto the first and second water release means of Enoki et al., in order to prevent any undesirable dispensing condition such as splashing of the product due to high rate of flow as taught by Shannon et al. in (col. 31, ll. 62-68 onto col. 32, ll. 1-57).

With respect to claim 36, the claimed subject matter “wherein the at least one water release means is operable at a relatively slow flow rate of up to 0.1 litres per minute, the at least one water release means is operable at a relatively fast flow rate of up to 2 litres per minute”.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the at least one water release means of Enoki et al. and Shannon et al. to be operable at a relatively slow flow rate of up to 0.1 litres per minute and at a relatively fast flow rate of up to 2 litres per minute, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. As per MPEP 2144.05

***Allowable Subject Matter***

8. Claims 38,46,55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments filed 5/2/2008 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Frederick C. Nicolas/  
Primary Examiner, Art Unit 3754